

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT FORD, *et al.*,

Plaintiffs,

vs.

NATHAN ROBISON, *et al.*,

Defendants.

Case No.: 2:17-cv-02720-GMN-PAL

ORDER

On October 26, 2017, Defendant Robison Engineering Company, Inc. and Defendant Nathan Robison (collectively “Defendants”) removed the instant case from the Fifth Judicial District Court for the State of Nevada, Nye County. Upon review of the Petition for Removal, the Court was not convinced that the jurisdictional requirements set forth in 28 U.S.C. §§ 1331 and 1441(a) were satisfied and, accordingly, ordered Defendant to show cause why the Court should not remand this action to state court. (*See* Min. Order to Show Cause, ECF No. 9).

Pursuant to the Court’s Order to Show Cause, Defendants filed a brief arguing that “federal question jurisdiction over Plaintiffs’ claims is proper based on the face of the Complaint.” (Brief 10:2–3, ECF No. 10). Defendants claim that “Plaintiffs rely exclusively on federal law for the legal duties upon which they base each of their claims directed at the Robison Defendants and ultimately challenge the findings and ability of the [Bureau of Land Management (“BLM”)] to levy a fine against Ford for his willful and destructive trespass to federal public lands.” (*Id.* 10:3–6).

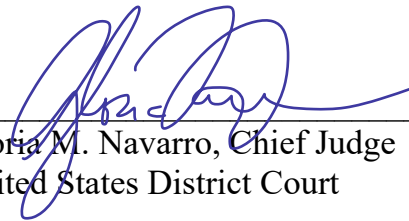
The Court finds that the claims at issue do not confer jurisdiction. The Complaint cites federal criminal statutes, 18 U.S.C. §§ 1001, 3571 *et seq.*, and 43 U.S.C. § 1733 (a) and (g), and, the causes of action are for state law claims of equitable indemnity and breach of contract. (*See* Compl., Ex. 1 to Pet. For Removal, ECF No. 1). The alleged state law claims require

1 supplemental jurisdiction or diversity jurisdiction. Further, Defendants only claim that the
2 BLM “may be a necessary party.” (Brief 9:26–28). There is no substantial federal question at
3 issue or in dispute. Therefore, Defendants have failed to demonstrate that the Court has subject
4 matter jurisdiction.

5 Accordingly,

6 **IT IS HEREBY ORDERED** that this case is **REMANDED** to the Fifth Judicial
7 District Court for the State of Nevada, County of Nye.

8 **DATED** this 30 day of August, 2018.

9
10
11 
12 _____
13 Gloria M. Navarro, Chief Judge
14 United States District Court
15
16
17
18
19
20
21
22
23
24
25